

**U.S. District Court – District of Colorado**  
**District of Colorado (Denver)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-00446-WJM-STV**

Withrow v. United States Department of Agriculture Forest  
Service et al  
Assigned to: Judge William J. Martinez  
Referred to: Magistrate Judge Scott T. Varholak  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/22/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act of 1974  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Christopher James Withrow**

represented by **Christopher James Withrow**  
#13874-091  
ENGLEWOOD  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
9595 WEST QUINCY AVENUE  
LITTLETON, CO 80123  
PRO SE

V.

**Defendant**

**USA**

*TERMINATED: 03/14/2018*

**Defendant**

**United States Department of  
Agriculture Forest Service**

represented by **Timothy Bart Jafek**  
U.S. Attorney's Office–Denver  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Justice**  
*Executive Office for Organized Crime*  
*Drug enforcement Task Forces*

represented by **Timothy Bart Jafek**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Justice**  
**Drug Enforcement Agency**

represented by **Timothy Bart Jafek**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**State of Wyoming of the Attorney**  
**General**  
*Department of Criminal Investigation*

represented by **Adrian K. Kowalski**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Justice  
Executive Office for United States  
Attorneys**

represented by **Timothy Bart Jafek**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Justice  
United States Marshals Service**

represented by **Timothy Bart Jafek**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/22/2018	<u>1</u>	PLAINTIFF'S VERIFIED ORIGINAL PETITION against USA, filed by Christopher James Withrow. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Envelope)(rvill, ) (Entered: 02/22/2018)
02/22/2018	<u>2</u>	Case assigned to Magistrate Judge Gordon P. Gallagher. Text Only Entry. (rvill, ) (Entered: 02/22/2018)
02/22/2018	<u>3</u>	Application to Proceed in District Court Without Prepaying Fees or Costs. by Plaintiff Christopher James Withrow. (rvill, ) (Entered: 02/22/2018)
02/22/2018	<u>4</u>	LETTER by Plaintiff Christopher James Withrow. (rvill, ) (Entered: 02/22/2018)
02/23/2018	<u>5</u>	ORDER Directing Plaintiff to Cure Deficiencies. If Plaintiff fails to cure all of the designated deficiencies within thirty (30) days from the date of this Order, the action will be dismissed without further notice. The dismissal shall be without prejudice. The Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (ECF No. <u>3</u> ) is DENIED WITHOUT PREJUDICE as on the incorrect form, by Magistrate Judge Gordon P. Gallagher on 2/23/2018. (angar, ) (Entered: 02/23/2018)
03/14/2018	<u>6</u>	AMENDED Prisoner COMPLAINT against United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency, State of Wyoming of the Attorney General, filed by Christopher James Withrow.(angar, ) (Entered: 03/15/2018)
03/14/2018	<u>7</u>	Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, by Plaintiff Christopher James Withrow. (angar, ) (Entered: 03/15/2018)
03/22/2018	<u>8</u>	ORDER Granting <u>7</u> Leave to Proceed Pursuant to 28 U.S.C. § 1915, by Magistrate Judge Gordon P. Gallagher on 3/22/2018. (angar, ) (Entered: 03/22/2018)
04/17/2018	<u>9</u>	ORDER Drawing Case, by Magistrate Judge Gordon P. Gallagher on 4/17/2018. This case is randomly reassigned to Magistrate Judge Scott T. Varholak for all further proceedings. All future pleadings should be designated as <b>18-cv-446-STV</b> (angar, ) (Entered: 04/17/2018)
04/17/2018	<u>10</u>	Magistrate Judge consent form issued pursuant to D.C.COLO.LCivR 40.1, direct assignment of civil actions to full time magistrate judges. (angar, ) (Entered: 04/17/2018)
04/18/2018	<u>11</u>	CERTIFICATE of Service by Clerk of Court for Service of Process re <u>6</u> Amended Complaint, (Attachments: # <u>1</u> USPS Certified Mail Receipt, # <u>2</u> USPS Certified Mail Receipt, # <u>3</u> USPS Certified Mail Receipt, # <u>4</u> USPS Certified Mail Receipt, # <u>5</u> USPS Certified Mail Receipt) (rrorge, ) (Entered: 04/18/2018)

04/18/2018	<u>12</u>	Acknowledgement of Service on behalf the United States Attorney's Office for the District of Colorado on 4/18/2018 (angar, ) (Entered: 04/19/2018)
04/19/2018	<u>13</u>	NOTICE of Entry of Appearance by Timothy Bart Jafek on behalf of United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency Attorney Timothy Bart Jafek added to party United States Department of Agriculture Forest Service(pty:dft), Attorney Timothy Bart Jafek added to party United States Department of Justice(pty:dft), Attorney Timothy Bart Jafek added to party United States Department of Justice Drug Enforcement Agency (pty:dft) (Jafek, Timothy) (Entered: 04/19/2018)
04/20/2018	<u>14</u>	ORDER by Magistrate Judge Scott T. Varholak on 4/20/18, Setting Deadline for Filing Election Concerning Consent/Non-Consent to Magistrate Jurisdiction Form and Setting Scheduling Conference. Consent Form due by 5/30/2018. Scheduling Conference set for 6/12/2018 09:00 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. (nmarb, ) (Entered: 04/20/2018)
04/30/2018	<u>15</u>	Certified Mail Return Receipt <u>11</u> Certificate of Service (Attachments: # <u>1</u> Continuation of Main Document)(jgonz, ) (Entered: 04/30/2018)
04/30/2018	<u>16</u>	Certified Mail Return Receipt <u>11</u> Certificate of Service (jgonz, ) (Entered: 05/01/2018)
04/30/2018	<u>17</u>	Certified Mail Return Receipt <u>11</u> Certificate of Service (Attachments: # <u>1</u> Continuation of Main Document)(jgonz, ) (Entered: 05/02/2018)
05/11/2018	<u>18</u>	CONSENT to Jurisdiction of Magistrate Judge by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency All parties do not consent.. (Jafek, Timothy) (Entered: 05/11/2018)
05/14/2018	<u>19</u>	CASE REASSIGNED pursuant to <u>18</u> Consent/Non-Consent to Jurisdiction of Magistrate Judge. All parties do not consent. This case is randomly reassigned to Judge William J. Martinez. All future pleadings should be designated as 18-cv-00446-WJM. (Text Only Entry) (jgonz, ) (Entered: 05/14/2018)
05/17/2018	<u>20</u>	ORDER REFERRING CASE to Magistrate Judge Scott T. Varholak. Magistrate Judge Varholak, or such other Magistrate Judge who may in the future be reassigned to this case, is designated to conduct ALLMTN proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed.R.Civ.P. 72(a) and (b). Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the Magistrate Judge or on the request of the parties by motion, the court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. SO ORDERED by Judge William J. Martinez on 5/17/2018. Text Only Entry (wjmsc, ) (Entered: 05/17/2018)
05/17/2018	<u>21</u>	<b>ORDER: Counsel for the parties and all counsel who may later enter an appearance shall review and familiarize themselves with the undersigned's Revised Practice Standards (as most recently revised effective December 1, 2017 and as they may be amended from time to time), which may be downloaded <a href="#">here</a>.</b> SO ORDERED by Judge William J. Martinez on 5 /17/2018. Text Only Entry (wjmsc, ) (Entered: 05/17/2018)
05/18/2018	<u>22</u>	ANSWER to <u>6</u> Amended Complaint, by United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency.(Jafek, Timothy) (Entered: 05/18/2018)
06/05/2018	<u>23</u>	Proposed Scheduling Order by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency. (Jafek, Timothy) (Entered: 06/05/2018)
06/12/2018	<u>24</u>	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Scott T. Varholak on 6/12/2018. The court informs the parties that after reviewing the docket, it appears that Defendant State of Wyoming of the Attorney General has not been properly served. Scheduling Conference continued to 8/6/2018 02:00 PM in Courtroom C203 before Magistrate Judge Scott T. Varholak. The Clerk of the Court shall mail a copy of this minute order to Mr. Withrows counselor at FCI Englewood so that Mr. Withrow can be made available to participate at thehearing. FTR: STV –

		C203. (morti, ) (Entered: 06/12/2018)
06/12/2018	25	CERTIFICATE of Service by Mail by Clerk of Court re <u>24</u> Minutes/Minute Order to Enlgewood Federal Correctional Institution, ATTN: MR. SIHPOL (Counselor) 9595 West Quincy Avenue, Littleton, CO 80123. Text Only Entry (morti, ) (Entered: 06/12/2018)
06/12/2018	<u>26</u>	Amended CERTIFICATE of Service by Clerk of Court re <u>6</u> Amended Prisoner Complaint for Service of Process (Attachments: # <u>1</u> U.S. Marshal Service Forms) (rroge, ) (Entered: 06/12/2018)
06/15/2018	<u>27</u>	SUMMONS Returned Executed. State of Wyoming of the Attorney General served on 6/14/2018, answer due 7/5/2018. (angar, ) (Entered: 06/18/2018)
07/20/2018	<u>28</u>	NOTICE of Entry of Appearance by Philip Murphy Donoho on behalf of State of Wyoming of the Attorney General Attorney Philip Murphy Donoho added to party State of Wyoming of the Attorney General (pty:dft) (Donoho, Philip) (Entered: 07/20/2018)
07/20/2018	<u>29</u>	MOTION to Dismiss by Defendant State of Wyoming of the Attorney General. (Attachments: # <u>1</u> Straight v. Wyoming DOT (In re Straight)_ 248 B.R. 403)(Donoho, Philip) (Entered: 07/20/2018)
07/20/2018	31	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES:re: <u>28</u> Notice of Entry of Appearance filed by attorneyPhilip Murphy Donoho.Attorney or pro se has used an incorrect signature format in violation of D.C.COLO.LCivR 5.1(a) and 4.3(a) of the Electronic Case Filing Procedures (Civil cases). <b>DO NOT REFILE THE DOCUMENT.</b> In the future, the filer must affix an electronic s/signature and s/ followed by a typed, not an inked, signature to all future documents.(Text Only Entry) (angar, ) (Entered: 07/23/2018)
07/23/2018	30	MEMORANDUM regarding <u>29</u> MOTION to Dismiss filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 7/23/2018. Text Only Entry (wjmsc, ) (Entered: 07/23/2018)
07/26/2018	<u>32</u>	MOTION for Leave to Appear <i>Telephonically for the Scheduling Conference</i> by Defendant State of Wyoming of the Attorney General. (Donoho, Philip) (Entered: 07/26/2018)
07/27/2018	33	MEMORANDUM regarding <u>29</u> MOTION to Dismiss filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 7/27/2018. Text Only Entry (wjmsc, ) (Entered: 07/27/2018)
07/27/2018	34	ORDER granting <u>32</u> State Defendant's Motion to Appear Telephonically. Counsel for Defendants may appear telephonically at the Scheduling Conference on 8/6/2018 02:00 PM by initiating a call among all counsel participating in the conference by telephone and then calling the Court at 303.335.2365 at the scheduled time. Plaintiff may separately call the Court at the scheduled time to participate. SO ORDERED, by Magistrate Judge Scott T. Varholak on 7/27/2018. Text Only Entry (stvlc1, ) (Entered: 07/27/2018)
07/30/2018	<u>35</u>	Proposed Scheduling Order by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency. (Jafek, Timothy) (Entered: 07/30/2018)
07/30/2018	36	CERTIFICATE of Service by Mail by Clerk of Court re 34 Order on Motion for Leave to Appear, to Christopher James Withrow, #13874-091, ENGLEWOOD, FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, 9595 WEST QUINCY AVENUE, LITTLETON, CO 80123. Text Only Entry (jgonz, ) (Entered: 07/30/2018)
08/06/2018	<u>37</u>	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Scott T. Varholak on 8/6/2018. Status Conference set for 10/22/2018 10:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. FTR: STV – C203. (morti, ) (Entered: 08/06/2018)



08/06/2018	<u>38</u>	BRIEF (Verified Memorandum in Support of Discovery in FOIA Case) by Plaintiff Christopher James Withrow. (evana, ) (Entered: 08/07/2018)
08/08/2018	<u>39</u>	Plaintiff's Answer to Defendant Wyoming DCI's Motion to Dismiss Pursuant to FED. R. CIV. P. 12(b)(1) and 12(b)(6) and Request the Court Enter Default Against Wyoming DCI, filed by Plaintiff Christopher James Withrow. (angar, ) (Entered: 08/09/2018)
08/09/2018	<u>40</u>	LETTER by Plaintiff Christopher James Withrow. (angar, ) (Entered: 08/10/2018)
08/15/2018	<u>41</u>	Plaintiff's Verified Unopposed Motion for Continuance, by Plaintiff Christopher James Withrow. (Attachments: # <u>1</u> Letter)(angar, ) (Entered: 08/16/2018)
08/17/2018	<u>42</u>	MEMORANDUM regarding <u>41</u> MOTION to Continue filed by Christopher James Withrow. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 8/17/2018. Text Only Entry (wjmsc, ) (Entered: 08/17/2018)
08/20/2018	<u>43</u>	REPLY to <u>39</u> Response to Motion by Defendant State of Wyoming of the Attorney General. (Attachments: # <u>1</u> Franklin v. Kan. Dept' of Corr., 160 Fed. Appx. 730 *; 2005 U.S. App. LEXIS 28530 (unpublished case))(Donoho, Philip) (Entered: 08/20/2018)
08/20/2018	<u>44</u>	ORDER This matter is before the Court on <u>41</u> Plaintiff's Verified Unopposed Motion for Continuance (the "Motion to Continue"), which seeks an order continuing the Scheduling Conference set for 8/06/2018. As the Motion to Continue was received after the Conference had already taken place, it is DENIED AS MOOT. The Clerk of Court is directed to mail a copy of this Order to Plaintiff. SO ORDERED, by Magistrate Judge Scott T. Varholak on 8/20/2018. Text Only Entry (stvlc1, ) (Entered: 08/20/2018)
08/21/2018	<u>45</u>	CERTIFICATE of Service by Mail by Clerk of Court re 44 Order on Motion to Continue, to Christopher James Withrow, #13874-091, ENGLEWOOD, FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, 9595 WEST QUINCY AVENUE, LITTLETON, CO 80123. Text Only Entry (jgonz, ) (Entered: 08/21/2018)
08/23/2018	<u>46</u>	MOTION for Protective Order by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency. (Jafek, Timothy) (Entered: 08/23/2018)
08/24/2018	<u>47</u>	MEMORANDUM regarding <u>46</u> MOTION for Protective Order filed by United States Department of Justice Drug Enforcement Agency, United States Department of Justice, United States Department of Agriculture Forest Service. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 8/24/2018. Text Only Entry (wjmsc, ) (Entered: 08/24/2018)
08/24/2018	<u>48</u>	MOTION to Stay <i>Discovery</i> by Defendant State of Wyoming of the Attorney General. (Attachments: # <u>1</u> unpublished cases)(Donoho, Philip) (Entered: 08/24/2018)
08/24/2018	<u>49</u>	MEMORANDUM regarding <u>48</u> MOTION to Stay <i>Discovery</i> filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 8/24/2018. Text Only Entry (wjmsc, ) (Entered: 08/24/2018)
09/10/2018	<u>50</u>	Plaintiff's Verified MOTION for Leave to File Sur-Response, by Plaintiff Christopher James Withrow. (angar, ) (Entered: 09/11/2018)
09/10/2018	<u>51</u>	Plaintiff's Verified Answer to <u>46</u> MOTION for Protective Order, filed by Plaintiff Christopher James Withrow. (angar, ) Modified on 9/11/2018 to correct document linkage(jgonz, ). (Entered: 09/11/2018)
09/11/2018	<u>53</u>	RESPONSE to <u>48</u> MOTION to Stay <i>Discovery</i> filed by Plaintiff Christopher James Withrow. (evana, ) (Entered: 09/12/2018)
09/12/2018	<u>52</u>	MEMORANDUM regarding <u>50</u> MOTION for Leave to filed by Christopher James Withrow. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 9/12/2018. Text Only Entry (wjmsc, ) (Entered: 09/12/2018)
09/12/2018	<u>54</u>	ORDER granting <u>50</u> Plaintiff's Verified Motion for Leave to File Sur-Response, by Magistrate Judge Scott T. Varholak on 9/12/2018. Text Only Entry (stvlc1, ) (Entered: 09/12/2018)

		09/12/2018)
09/13/2018	55	CERTIFICATE of Service by Mail by Clerk of Court re 54 Order on Motion for Leave to file sur-response to Christopher James Withrow, #13874-091, ENGLEWOOD FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, 9595 WEST QUINCY AVENUE, LITTLETON, CO 80123. Text Only Entry (jgonz, ) (Entered: 09/13/2018)
09/24/2018	<u>56</u>	REPLY to Response to <u>46</u> MOTION for Protective Order filed by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency. (Jafek, Timothy) (Entered: 09/24/2018)
10/05/2018	<u>57</u>	MOTION to Amend <u>6</u> Amended Complaint, by Plaintiff Christopher James Withrow. (Attachments: # <u>1</u> Proposed Document Amended Complaint)(evana, ) (Entered: 10/05/2018)
10/05/2018	<u>59</u>	LETTER by Plaintiff Christopher James Withrow. (angar, ) (Entered: 10/09/2018)
10/09/2018	58	MEMORANDUM regarding <u>57</u> MOTION to Amend/Correct/Modify <u>6</u> Amended Complaint, filed by Christopher James Withrow. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 10/9/2018. Text Only Entry (wjmsc, ) (Entered: 10/09/2018)
10/09/2018	60	MINUTE ORDER Defendants shall file their response(s) to <u>57</u> Plaintiff's Verified Combined Motion for Leave to Amend Complaint and Motion to Add 2 Federal Defendants (the "Motion") on or before 10/21/2018. The parties should be prepared to address the Motion at the Status Conference set for 10/22/2018 10:30 AM. The Clerk of Court is directed to mail a copy of this Minute Order to Plaintiff. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/09/2018. Text Only Entry (stvlc1, ) (Entered: 10/09/2018)
10/12/2018	<u>61</u>	RESPONSE to <u>57</u> MOTION to Amend/Correct/Modify <u>6</u> Amended Complaint, filed by Defendants United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency. (Jafek, Timothy) (Entered: 10/12/2018)
10/18/2018	<u>62</u>	NOTICE of Entry of Appearance by Adrian K. Kowalski on behalf of State of Wyoming of the Attorney General Attorney Adrian K. Kowalski added to party State of Wyoming of the Attorney General (pty:dft) (Kowalski, Adrian) (Entered: 10/18/2018)
10/19/2018	<u>63</u>	MOTION for Leave to Appear <i>Telephonically for the Scheduling Conference on October 22, 2018</i> by Defendant State of Wyoming of the Attorney General. (Kowalski, Adrian) (Entered: 10/19/2018)
10/19/2018	64	MEMORANDUM regarding <u>63</u> MOTION for Leave to Appear <i>Telephonically for the Scheduling Conference on October 22, 2018</i> filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak Text Only Entry (wjmsc, ) (Entered: 10/19/2018)
10/19/2018	65	ORDER granting <u>63</u> Motion for Leave to Appear telephonically. Counsel may appear telephonically at the Status Conference set for 10/22/2018 at 10:30 a.m. and shall call the Court at 303.335.2365 at the scheduled date and time. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/19/2018. Text Only Entry (stvlc2, ) (Entered: 10/19/2018)
10/22/2018	<u>66</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak n 10/22/2018; granting <u>46</u> Motion for Protective Order; granting <u>48</u> Motion to Stay; granting <u>57</u> Motion to Amend/Correct/Modify; denying <u>29</u> Motion to Dismiss; Status Conference set for 3/28/2019 09:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. The Motion for Summary Judgment shall be filed on or before February 19, 2019. FTR: STV - 402. (morti, ) (Entered: 10/22/2018)
10/22/2018	<u>67</u>	AMENDED PRISONER COMPLAINT against State of Wyoming of the Attorney General, United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency, United States Department of Justice Executive Office for United States

		Attorneys, United States Department of Justice United States Marshals Service, filed by Christopher James Withrow.(jgonz, ) (Entered: 10/24/2018)
10/25/2018	<u>68</u>	MOTION Requesting Service on Two New Federal Defendants by Plaintiff Christopher James Withrow. (sphil, ) Modified on 10/26/2018 to correct document title. (sphil, ). (Entered: 10/26/2018)
10/26/2018	69	MEMORANDUM regarding <u>68</u> MOTION for Order to filed by Christopher James Withrow. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 10/26/2018. Text Only Entry (wjmssec, ) (Entered: 10/26/2018)
10/26/2018	70	ORDER granting <u>68</u> Motion Requesting Service on Two New Federal Defendants. The Clerk of Court is directed to coordinate service upon Defendant United States Department of Justice Executive Office for United States Attorneys and Defendant United States Department of Justice United States Marshals Service. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/26/2018. Text Only Entry (stvlc1, ) (Entered: 10/26/2018)
10/29/2018	<u>71</u>	CERTIFICATE of Service by Clerk of Court re 70 Order granting Motion Requesting Service, <u>67</u> Amended Prisoner Complaint, (Attachments: # <u>1</u> USPS Certified Mail Receipts) (cmadr, ) (Entered: 10/29/2018)
11/02/2018	<u>72</u>	MOTION to Dismiss <i>Second Amended Complaint</i> by Defendant State of Wyoming of the Attorney General. (Kowalski, Adrian) (Entered: 11/02/2018)
11/05/2018	73	MEMORANDUM regarding <u>72</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 11/5/2018. Text Only Entry (wjmssec, ) (Entered: 11/05/2018)
11/09/2018	<u>74</u>	Service Returned Executed upon defendant(s) United States Department of Justice Executive Office for United States Attorneys served on 11/5/2018, answer due 1/4/2019. (sphil, ) (Entered: 11/09/2018)
11/14/2018	<u>75</u>	TRANSCRIPT of Status Conference held on October 22, 2018 before Magistrate Judge Varholak. Pages: 1–20. <b>NOTICE – REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at <a href="http://www.cod.uscourts.gov">www.cod.uscourts.gov</a>.</b> Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (Patterson Transcription Company, ) (Entered: 11/14/2018)
11/23/2018	<u>76</u>	LETTER by Plaintiff Christopher James Withrow. (cthom, ) (Entered: 11/23/2018)
11/30/2018	<u>77</u>	Plaintiff's Verified Answer to <u>72</u> State Defendant's MOTION to Dismiss <i>Second Amended Complaint</i> filed by Plaintiff Christopher James Withrow. (sphil, ) (Entered: 11/30/2018)
12/14/2018	<u>78</u>	REPLY to Response to <u>72</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by Defendant State of Wyoming of the Attorney General. (Attachments: # <u>1</u> unpublished case, # <u>2</u> unpublished case)(Kowalski, Adrian) (Entered: 12/14/2018)
12/14/2018	79	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES:re: <u>78</u> Reply to Response to Motion filed by attorney Adrian K. Kowalski. <b>DO NOT REFILE THE DOCUMENT. Action to take</b> – counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry). (sphil, ) (Entered: 12/18/2018)
12/20/2018	<u>80</u>	ANSWER to <u>67</u> Amended Complaint, Attorney Timothy Bart Jafek added to party United States Department of Justice Executive Office for United States Attorneys(pty:dft), Attorney Timothy Bart Jafek added to party United States Department of Justice United States Marshals Service(pty:dft) by United States

		Department of Justice Executive Office for United States Attorneys, United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency, United States Department of Justice United States Marshals Service.(Jafek, Timothy) (Entered: 12/20/2018)
01/03/2019	<u>81</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE by Magistrate Judge Scott T. Varholak on 1/3/2019. This Court respectfully RECOMMENDS that DCI's Motion to Dismiss # <u>72</u> be GRANTED and that Plaintiff's claim against DCI be DISMISSED WITHOUT PREJUDICE. (jgonz, ) (Entered: 01/03/2019)
01/18/2019	<u>82</u>	LETTER by Plaintiff Christopher James Withrow. (angar, ) (Entered: 01/23/2019)
01/29/2019	<u>83</u>	Plaintiff's Verified OBJECTIONS to Magistrate's <u>81</u> Report and Recommendations Pursuant to Fed. R. CIV. P. 72(b), filed by Plaintiff Christopher James Withrow. (angar, ) (Entered: 01/30/2019)
02/06/2019	<u>84</u>	Monthly MOTION for Extension of Time to <i>Meet Deadlines in Scheduling Orders</i> by Defendants United States Department of Justice Executive Office for United States Attorneys, United States Department of Agriculture Forest Service, United States Department of Justice, United States Department of Justice Drug Enforcement Agency, United States Department of Justice United States Marshals Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Jafek, Timothy) (Entered: 02/06/2019)
02/07/2019	85	MEMORANDUM regarding <u>84</u> Monthly MOTION for Extension of Time to <i>Meet Deadlines in Scheduling Orders</i> filed by United States Department of Justice United States Marshals Service, United States Department of Justice Drug Enforcement Agency, United States Department of Justice, United States Department of Agriculture Forest Service, United States Department of Justice Executive Office for United States Attorneys. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 2/7/2019. Text Only Entry (wjmsc, ) (Entered: 02/07/2019)
02/07/2019	86	ORDER granting <u>84</u> Motion to Amend Deadlines. Plaintiff may file a third amended complaint on or before 4/29/2019, and Defendants shall respond to any third amended complaint within 30 days after it is filed. The deadline to file dispositive motions is extended until 7/29/2019. The Status Conference set for 3/28/2019 09:00 AM is VACATED and RESET for 9/17/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Plaintiff shall participate in the Status Conference by calling the Court at 303.335.2365 at the scheduled time. The Clerk of Court is directed to mail a copy of this Order to Plaintiff. SO ORDERED, by Magistrate Judge Scott T. Varholak on 2/07/2019. Text Only Entry (stvlc1, ) (Entered: 02/07/2019)
02/07/2019	87	CERTIFICATE of Service by Mail by Clerk of Court re 86 Order on Motion to Amend Deadlines, to Christopher James Withrow, #13874-091, ENGLEWOOD, FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, 9595 WEST QUINCY AVENUE, LITTLETON, CO 80123. Text Only Entry (jgonz, ) (Entered: 02/07/2019)
02/13/2019	<u>88</u>	RESPONSE to Objection to <u>81</u> RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE re <u>72</u> MOTION to Dismiss <i>Second Amended Complaint</i> filed by State of Wyoming of the Attorney General filed by Defendant State of Wyoming of the Attorney General. (Kowalski, Adrian) (Entered: 02/13/2019)
03/04/2019	<u>89</u>	<b>STRICKEN</b> Plaintiff's Verified REPLY to State Defendant's Response to Plaintiff's Verified Objection to Magistrate's Recommendation, by Plaintiff Christopher James Withrow. (angar, ) Modified on 3/7/2019 to strike pursuant to 90 Order (angar, ). (Entered: 03/07/2019)
03/07/2019	90	ORDER striking Plaintiff's Verified Reply to State Defendant's Response to Plaintiff's Verified Objection to Magistrate's Recommendations <u>89</u> . Plaintiff's Reply is STRICKEN given this Court's Revised Practice Standard III.H.2 which clearly states "In conformity with Rule 72, no reply brief in support of an objection will be accepted.". SO ORDERED by Judge William J. Martinez on 3/7/2019. Text Only Entry (wjmsc, ) (Entered: 03/07/2019)
03/21/2019	<u>91</u>	MOTION for Leave to Appear <i>Telephonically for the Status Conference on March 28, 2019</i> by Defendant State of Wyoming of the Attorney General. (Kowalski, Adrian) (Entered: 03/21/2019)



03/21/2019	92	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES:re: <u>91</u> MOTION for Leave to Appear <i>Telephonically for the Status Conference on March 28, 2019</i> filed by attorney Adrian K. Kowalski. <b>DO NOT REFILE THE DOCUMENT. Action to take</b> – counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry) (angar, ) (Entered: 03/21/2019)
03/21/2019	93	MEMORANDUM regarding <u>91</u> MOTION for Leave to Appear <i>Telephonically for the Status Conference on March 28, 2019</i> filed by State of Wyoming of the Attorney General. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 3/21/2019. Text Only Entry (wjmsc, ) (Entered: 03/21/2019)
03/21/2019	94	ORDER This matter is before the Court on <u>91</u> State Defendants' Motion to Appear Telephonically (the "Motion"), which seeks leave of the Court to appear telephonically at a status conference on 3/28/2019. Pursuant to 86 Order Granting Motion to Amend Deadlines, the Status Conference set for 3/28/2019 09:00 AM was VACATED and RESET for 9/17/2019 09:30 AM. The Motion thus is DENIED AS MOOT. Defense counsel, however, may appear telephonically for the status conference set for 9/17/2019 09:30 AM by initiating a call among all defense counsel participating by telephone and then calling the Court at 303.335.2365 at the scheduled time. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/21/2018. Text Only Entry (stvlc1, ) (Entered: 03/21/2019)